

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES MILLER,

Plaintiff,

v.

AVERY MITCHELL CORR. INST.,

Defendant.

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1:13-CV-992

ORDER

On November 14, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections [Doc. #4] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Plaintiff's objections *de novo* and finds they do not warrant a different decision. The United States Magistrate Judge's Recommendation [Doc. #2] is affirmed and adopted. In light of that determination, Plaintiff's request for appointment of counsel will be denied.

IT IS THEREFORE ORDERED that Plaintiff's request for counsel is denied, and this action is dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, as noted in the Recommendation.

This the 17th day of December , 2013.


UNITED STATES DISTRICT JUDGE